

## REMARKS

### INTRODUCTION

In accordance with the foregoing, no claims have been amended. Claims 1-18 are pending and under consideration.

### CLAIM REJECTIONS – 35 USC 103

Claims 1-7, 9-15, 17 and 18 were rejected under 35 USC 103(a) as being unpatentable over Palmer et al. (US 2,778,912) (hereinafter “Palmer”) in view of Bonzagni et al. (US 2,030,047) (hereinafter “Bonzagni”) or Wachtel (US 3,074,342) (hereinafter “Wachtel”).

Claims 8 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Palmer or Bonzagni and further in view of Dundon (US 4,450,343) (hereinafter “Dundon”).

Palmer discusses a toasting apparatus. In Palmer, the reflector 37, the heater wire 48 and its supporting strips 42 and 43 may be fabricated and tested as a unit prior to the assembly thereof to the toaster casing structure. Accordingly, the cost of the toaster is reduced and the manufacture facilitated. The support for the top of the completed unit in the toaster is provided by ears 59 formed on the partitions 17 and 18, each of the ears 59 being provided with downwardly facing slots 61 in which the upper side of the units 35 is fitted. The turned over projections are seated in the slots 61 for the positioning of the upper portion of the units 35. The lower projections 45 are seated in upwardly facing slots 62 provided in clips 63, the latter being secured to the partitions 17 and 18. The clip 63 at one end of the toaster is secured to the partition 17 by the self tapping screws 22 while the clip 63 at the opposite end is secured to the horizontal member 28 by screws. Palmer, 3:20-3:38 and Figures 1-5.

#### Claims 1-8

Claim 1 recites: “...at least one elastic mounting unit to mount the heater on the reflecting plate through an elastic deformation thereof.” Support for this amendment may be found in at least paragraph [0017] and Figure 1 of the present application. The Office Action relies on Palmer to supply this feature of claim 1, and in particular the projections 44 and 45 best shown in Figure 3 of Palmer. In contrast to claim 1, projections 44 and 45 do not hold the heater, as recited in claim 1, but rather hold the reflector 37. Projections 44 and 45 are part of the flange 38 in Palmer. In Palmer, the reflector 37, the heater wire 48, and its supporting strips 42 and 43 from a unit 35. As noted in Palmer, this unit 35 is preferably pre-fabricated for testing. The

heater wire 48, corresponding to the heater of claim 1, is not held by an elastic member but rather is held by means such as rivets, as discussed in Palmer 3:6-3:8. In contrast, claim 1 recites an elastic mounting unit to easily mount the heater. In Palmer, the unit 35, including both the heat wire 48 and reflector 37 is held by the bent over projections 44 and 45.

The elastic mounting unit recited in claim 1 allows a heater to be assembled to a cooking unit in a simple manner, thereby reducing an assembly time of the cooking apparatus and consequently improving an efficiency of production. Palmer does not discuss such a mounting unit as is recited in claim 1 but rather discusses a structure for securing a unit 35 that has already been pre-assembled, a unit 35 that includes heating wire 48 suspended between two strips 42, 43 rather than being elastically mounted. Further, this deficiency in Palmer is not cured by Bonzagni and Wachtel, which do not discuss the elastic mounting unit of claim 1.

Claims 2-8 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reason.

Withdrawal of the foregoing rejection is requested.

#### **Claims 9-18**

Claim 9 recites: "...a plurality of elastic mounting units to mount the respective heaters on the respective plates through an elastic deformation thereof." Support for this amendment may be found in at least paragraph [0017] and Figure 1 of the present application. The Office Action relies on Palmer to supply this feature of claim 9, and in particular the projections 44 and 45 best shown in Figure 3 of Palmer. In contrast to claim 9, projections 44 and 45 do not hold the heaters, as recited in claim 9, but rather hold the reflector 37. Projections 44 and 45 are part of the flange 38 in Palmer. In Palmer, the reflector 37, the heater wire 48, and its supporting strips 42 and 43 from a unit 35. As noted in Palmer, this unit 35 is preferably pre-fabricated for testing. The heater wire 48, corresponding to the heater of claim 9, is not held by an elastic member but rather is held by means such as rivets, as discussed in Palmer 3:6-3:8. In contrast, claim 9 recites an elastic mounting unit to easily mount the heaters. In Palmer, the unit 35, including both the heat wire 48 and reflector 37 is held by the bent over projections 44 and 45.

The elastic mounting unit recited in claim 9 allows the heaters to be assembled to a cooking unit in a simple manner, thereby reducing an assembly time of the cooking apparatus and consequently improving an efficiency of production. Palmer does not discuss such a mounting unit as is recited in claim 9 but rather discusses a structure for securing a unit 35 that

has already been pre-assembled, a unit 35 that includes heating wire 48 suspended between two strips 42, 43 rather than being elastically mounted. Further, this deficiency in Palmer is not cured by Bonzagni and Wachtel, which do not discuss the elastic mounting unit of claim 9.

Claims 10-18 depend on claim 9 and are therefore believed to be allowable for at least the foregoing reason.

Withdrawal of the foregoing rejection is requested.

### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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